

Notice of Allowability

Application No.

10/801,483

Examiner

Igor Kershteyn

Applicant(s)

ITO ET AL.

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 16 March 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date ____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>03/16/2004</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

Reasons for allowance

The following is an examiner's statement of reasons for allowance:

The instant invention is deemed to be directed to an unobvious improvement to a hydraulic swash plate plunger unit over U.S. Patent No. 6,474,218 which teaches a hydraulic swash plate plunger unit T, comprising: a rotatably supported casing 6 having a central axis of rotation A and comprising an outer wall, a swash plate member 10 installed in the casing 6 and inclined at a predetermined angle with respect to the central axis of rotation, a cylinder 7 which is rotatably installed in the casing 6 and has a plurality of plunger holes 8 formed therein extending in an axial direction and arranged in a cylindrical pattern around the central axis of rotation A, and a plurality of plungers 9 which are slidably disposed in the respective plunger holes 8; wherein the casing 6 is adapted to be rotated relative to the cylinder 7, so that the outer end portions of the plungers 9 are sequentially pushed in an axial direction by the swash plate member 10 to reciprocate the plungers 9 in the plunger holes 8.

Regarding claims 1, 6, and 11, the improvement comprises the outer wall of the casing comprising a rotationally asymmetrical balance portion and wherein said rotationally asymmetrical balance portion is integrally formed with the outer wall of the casing to balance the rotation thereof.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of three patents.

Reimer (3,698,189) is cited to show a hydraulic swash plate plunger unit having a rotating housing, a swash plate, a cylinder, and a plurality of plungers but fails to teach a balance portion.

Saito et al. (6,530,218) is cited to show a hydraulic swash plate plunger unit having a rotating housing, a swash plate, a cylinder, and a plurality of plungers but fails to teach a balance portion.

Hayashi et al. (6,698,199) is cited to show a hydraulic swash plate plunger unit having a rotating housing, a swash plate, a cylinder, and a plurality of plungers but fails to teach a balance portion.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

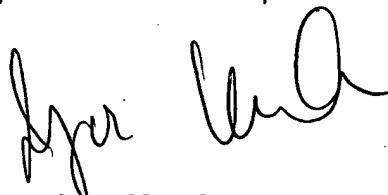
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK

August 22, 2005



Igor Kershteyn
Patent examiner.
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EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

8/22/05